

# Legislative Fiscal Bureau

## Fiscal Note

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SF 2320 - Filing Fees for District Court (LSB 7161 SV)

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Fiscal Note Version - New

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### **Description**

The Bill relates to the assessment of court fees by the clerk of district court.

### **Assumptions**

1. The collection rate for a civil filing is approximately 60.0%.
2. The collection rate for a small claims filing is approximately 98.0%.
3. In calendar year 2000, there were approximately 69,000 civil cases filed.
4. The civil filing fee would increase from \$80 to \$100. Exemptions may be granted to indigent persons.
5. Civil filings increased by 2.0% from calendar year 1999 to 2000.
6. In calendar year 2000, there were approximately 1,800 cases of modification with stipulation. Approximately 50.0% of these cases are waived. The fee would increase from \$25 to \$50.
7. In calendar year 2000, there were approximately 21,000 dissolutions and modifications. Approximately two-thirds of the cases were for divorce ending with a decree of dissolution, and one-third of the cases were modifications applying either the \$80 civil filing fee or the \$25 modification with stipulation fee. The Bill would increase the final decree of dissolution fee from \$30 to \$50.
8. In calendar year 2000, there were approximately 700 appeals from judgments in small claims cases. The fee would increase from \$50 to \$75.
9. In calendar year 2000, there were approximately 84,000 small claims cases. The filing fee would increase from \$30 to \$50.
10. In calendar year 2000, there were approximately 7,900 liens filed. The Bill would increase the filing fee from \$10 to \$20.
11. In calendar year 2000, there were approximately 40,000 property actions. Approximately half of those filings included a change of title. The Bill would increase the filing fee from \$10 to \$20.
12. The Bill would increase the filing fee for motion to show cause from \$25 to \$50. The number of cases that this fee would apply to cannot be determined.
13. In calendar year 2000, there were approximately 1,100 jury trials. Approximately 400 were civil jury trials and 700 were criminal jury trials. Of the 700 criminal jury trials, approximately 400 were felonies and the balance being aggravated and serious misdemeanors. The Bill would increase the jury fees assessed as costs in a jury trial from \$10 to \$100. The collection rate on civil jury trials will be 90.0% and the collection rate on criminal jury trials is 60.0%.

## **Fiscal Impact**

Senate File 2320 would result in additional court fee revenues to the General Fund of approximately \$3.1 million annually. The break out per fee increase is as follows:

Civil Filings	\$ 828,000
Modification with Stipulation	23,000
Decree of Dissolution	278,000
Small Claims Appeals	18,000
Small Claims Filings	1,646,000
Liens	79,000
Real Estate Change of Title	200,000
Jury Trials - Civil	32,000
Jury Trials - Criminal	38,000
TOTAL	<u>\$ 3,142,000</u>

## **Source**

Judicial Branch

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/s/ Dennis C Prouty

March 28, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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